

WEDNESDAY, JANUARY 12, 1983

SECOND ORGANIZATIONAL DAY

The House met at 9:30 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative Bill Atchley of Sevier County.

Representative Gafford led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 91

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--91.

The Speaker announced that Representative Bragg was excused because of legislative business.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 5--Relative to congratulating The Daily Times, Maryville.

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Under the rules, the resolution lies over.

Senate Joint Resolution No. 7--Relative to commending Memphis State Basketball Team.

Mr. Gill moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 7, which motion prevailed.

On motion, the resolution was concurred in.

A motion to reconsider was tabled.

APPOINTMENT OF SELECT COMMITTEE

Pursuant to House Joint Resolution No. 1, the Speaker appointed the following committee to canvass the vote for Governor: Messrs. Henry, McKinney and Robinson (Hamilton). Mr. Henry will serve as chairman of this committee.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 4--Relative to memory, John W. Fields, Jr.--By Henry.

Under the rules, the resolution lies over.

House Joint Resolution No. 5--Relative to memory, C. R. Black--By Henry.

Under the rules, the resolution lies over.

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House Joint Resolution No. 6--Relative to recess Ninety-Third General Assembly--By Naifeh and Henry.

Under the rules, the resolution lies over.

House Joint Resolution No. 7--Relative to congratulating Marion County High School football team--By Duer, McAfee and Rhinehart.

Under the rules, the resolution lies over.

House Joint Resolution No. 8--Relative to proclaiming Big Brother, Big Sister Week--By Wood, Robinson (Hamilton), Starnes, McAfee, Elsea, Davis (Hamilton) and Copeland.

Under the rules, the resolution lies over.

INTRODUCTION OF BILLS

House Bill No. 12--To levy tax on lodgings, Harriman--By Henry, McNally and Duer.

Passed first consideration.

House Bill No. 13--To make certain provisions, absentee ballots--By Henry and McNally.

Passed first consideration.

House Bill No. 14--To amend Section 14-10-127, Code--By Henry and McNally.

Passed first consideration.

House Bill No. 15--To make certain provisions, inheritance taxation--By Henry.

Passed first consideration.

House Bill No. 16--To transfer certain juveniles to criminal court--By Love.

Passed first consideration.

House Bill No. 17--To prohibit possession of certain weapons, school property--By Love.

Passed first consideration.

House Bill No. 18--To prohibit carrying of certain weapons, school property--By Love.

Passed first consideration.

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House Bill No. 19--To provide for membership, certain housing authorities--By Love.

Passed first consideration.

House Bill No. 20--To regulate alcoholic beverages--By Smith.

Passed first consideration.

House Bill No. 21--To provide property tax relief, certain taxpayers--By Wallace, Rhinehart, Covington, Johnson, Herndon, Murray and Copeland.

Passed first consideration.

House Bill No. 22--To regulate interest rates, improvement bonds--By Bragg.

Passed first consideration.

House Bill No. 23--To admit certain evidence, civil or criminal proceedings--By Disspayne.

Passed first consideration.

House Bill No. 24--To repeal Presidential Convention Delegate Act--By Naifeh, Tanner, Wallace and Herndon.

Passed first consideration.

House Bill No. 25--To place certain regulations, alcoholic beverages--By Crain, Dills, Davis (Gibson), Kelley, Wallace and Herndon.

Passed first consideration.

House Bill No. 26--To provide for membership, certain housing authorities--By Murphy, McKinney, Love, Ellis, Robinson (Davidson), Pruitt, Cobb, Covington, Clark (Davidson) and Disspayne.

Passed first consideration.

House Bill No. 27--To regulate retail sale, alcoholic beverages--By Murphy, Moore (Shelby) and Chiles.

Passed first consideration.

House Bill No. 28--To grant certain power, Lexington-Henderson County Hospital trustees--By Kelley and Wallace.

Passed first consideration.

House Bill No. 29--To create new court, second chancery

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Division--By Robertson, Wheeler, Stafford, Duer, Burnett, Henry and McNally.

Passed first consideration.

House Bill No. 30--To make certain provisions, raccoon hunting--By Robertson, Duer and Huskey.

Passed first consideration.

House Bill No. 31--To make certain provisions, stolen motor vehicles--By Robertson.

Passed first consideration.

House Bill No. 32--To prohibit adulteration, certain substances--By McNally, Johnson and Crain.

Passed first consideration.

House Bill No. 33--To enact Equal Access to Justice Act--By Murphy.

Passed first consideration.

House Bill No. 34--To regulate foreign owned or directed corporations--By Murphy.

Passed first consideration.

House Bill No. 35--To amend Criminal Sentencing Reform Act--By Murphy.

Passed first consideration.

House Bill No. 36--To regulate abolition of municipal charters--By Hudson.

Passed first consideration.

House Bill No. 37--To enact the Conservation Corps Act--By Murphy.

Passed first consideration.

House Bill No. 38--To provide restitution, certain delinquency cases--By Murphy.

Passed first consideration.

House Bill No. 39--To make felony, vandalism of correctional facilities--By Bivens, Webb and Whitson.

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Passed first consideration.

House Bill No. 40--To amend Section 49-609 (f), Code--By Bivens.

Passed first consideration.

House Bill No. 41--To amend Charter, Covington--By Naifeh.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1--To provide tax relief, certain persons.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 2--To prohibit pupil assignment, certain circumstances.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 3--To prohibit child pornography.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 4--To increase legal age, consumption of alcoholic beverages.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 5--To prohibit the giving of certain candy or food.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 6--To define and impose penalties, certain racketeering activities.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 7--To amend Small Business Purchasing and Contracting Act.

Passed second consideration and held pending appointment of appropriate committee.

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House Bill No. 8--To prohibit adulteration, certain consumer products.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 9--To authorize expansion, Mid-South Coliseum, Memphis.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 10--To authorize Board of Regents to acquire certain property, Shelby County.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 11--To establish program, sudden infant death syndrome.

Passed second consideration and held pending appointment of appropriate committee.

REPORT OF THE SELECT COMMITTEE TO REVIEW THE AUDITS AND OPERATIONS OF THE COMPTROLLER OF THE TREASURY AND THE DEPARTMENT OF THE TREASURY

On January 6, 1983, the select committee appointed by the Speaker of the Senate and Speaker of the House of Representatives pursuant to Tennessee Code Annotated, Sections 8-4-102 and 8-5-102 to review the audits and operations of the Comptroller of the Treasury and the Department of the Treasury met in the conference room of the Speaker of the Senate in the Legislative Plaza. The select committee was composed of Representative Shelby Rhinehart and Senator John T. Hicks, who served as co-chairmen and Senator Leonard C. Dunavant, Senator Robert T. Rochelle, and Representative Steve Cobb and Representative John Chiles, Jr. All members were present.

Mr. William R. Snodgrass, Comptroller of the Treasury, and Mr. Frank Greathouse, Director of State Audit, presented the following information to the committee.

1. An audit report of the Comptroller of the Treasury for the fiscal year ended June 30, 1982, with transactions through September 10, 1982;
2. An audit report of the Department of Treasury for the fiscal years ended June 30, 1981 and 1982, with transactions through October 15, 1982;
3. A report entitled Quality Assessment Review of the Department of Audit, Comptroller of the Treasury, for the year ended June

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30, 1982, conducted under the direction of the National State Auditors Association in conjunction with the Southeastern Intergovernmental Audit Forum;

4. A management letter on the quality assessment review;

5. The Annual Report of the Department of Audit dated December 31, 1982.

Representative Chiles moved that the committee accept the audit of the Comptroller of the Treasury as being properly conducted and in compliance with all laws and to report such action to the Senate and House of Representatives. Senator Hicks seconded the motion which carried unanimously.

Representative Cobb moved that the committee accept the audit of the Department of the Treasury as being properly conducted and in compliance with all laws and to report such action to the Senate and House of Representatives. Representative Chiles seconded the motion which carried unanimously.

The members of the committee were impressed with the completeness of the presentation and procedures of the Comptroller of the Treasury and his staff and the condition of the Treasury's accounts and commended them for their outstanding ability and work.

There being no further business, the committee adjourned, sine die.

Senator John T. Hicks, Chairman Rep. Shelby Rhinehart, Chairman

Senator Leonard Dunavant Rep. Steve Cobb

Senator Robert T. Rochelle Rep. John Chiles, Jr.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 3 and 4; both for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1, 2 and 3; and Senate Joint Resolutions Nos. 3 and 4.

Mr. Naifeh moved that the House recess for the purpose of meeting with the Senate in Joint Convention, and that at the conclusion of the

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Joint Convention, the House adjourn until 2:00 p.m. tomorrow, which motion prevailed.

IN JOINT CONVENTION

The hour having arrived, set by House Joint Resolution No. 3--Relative to joint convention, election of the Constitutional Officers, the House and Senate met in Joint Convention.

The Joint Convention was called to order by Mr. Speaker Wilder, President of the Joint Convention.

On motion of Senator Hamilton, the roll call of the Senate was dispensed with.

On motion of Representative McKinney, the roll call of the House was dispensed with.

Thereupon, the Clerk of the Senate read Senate Joint Resolution No. 3 authorizing the Joint Convention.

ELECTION OF COMPTROLLER OF THE TREASURY

Mr. President Wilder declared the next order of business was the election of a Comptroller of the Treasury, and that nominations were in order.

Representative Hillis of White County placed in nomination the name of the Honorable William R. Snodgrass of White County.

Senator Burks seconded the nomination of Mr. Snodgrass.

Representative Brewer seconded the nomination of Mr. Snodgrass.

Senator Hamilton moved that nominations cease and that the Clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following result:

For Mr. Snodgrass 31

The Clerk of the House called the roll of the House with the following result:

For Mr. Snodgrass 96

Representatives voting for Mr. Snodgrass were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford,

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Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Total vote for Mr. Snodgrass. 127

Mr. President Wilder declared the Honorable William R. Snodgrass duly, legally and constitutionally elected Comptroller of the Treasury for the ensuing two years.

Mr. President Wilder appointed the following committee to escort Mr. Snodgrass to the well of the House: Representatives Hillis, Rhinehart, Brewer and Senators O'Brien, Burks and Hamilton.

Mr. Snodgrass expressed his appreciation.

ELECTION OF STATE TREASURER

Mr. President Wilder declared the next order of business was the election of State Treasurer, and that nominations were in order.

Senator Frank Lashlee of Benton County placed in nomination the name of the Honorable Harlan Mathews of Williamson County.

Representative Davidson seconded the nomination of Mr. Mathews.

Representative DeBerry seconded the nomination of Mr. Mathews.

Representative Naifeh moved that nominations cease and that the Clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following result:

For Mr. Mathews 31

The Clerk of the House called the roll of the House with the following result:

For Mr. Mathews 96

Representatives voting for Mr. Mathews were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford,

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Total vote for Mr. Mathews.127

Thereupon, Mr. President Wilder declared the Honorable Harlan Mathews duly, legally and constitutionally elected State Treasurer for the ensuing two years.

Mr. President Wilder appointed the following committee to escort Mr. Mathews to the well of the House: Representative DeBerry, Davidson and Senators Lashlee and Williams.

Mr. Mathews expressed his appreciation.

OATH OF OFFICE

The oath of office was administered to Messrs. Snodgrass and Mathews by The Honorable Frank F. Drowota, III, Justice, Tennessee Supreme Court.

Mr. McKinney presented the following report:

**REPORT OF SELECT COMMITTEE
TO CANVASS RETURNS ON THE GOVERNOR'S RACE
PURSUANT TO HOUSE JOINT RESOLUTION NO. 1**

We, the undersigned Joint Committee of the House and Senate of the Ninety-Third General Assembly, State of Tennessee, certify that we have this day carefully canvassed the official returns of the General Election held throughout Tennessee on Tuesday, November 2, 1982, in the Governor's race, now on file in the office of the Secretary of State, and find the results thereof as follows:

Randy Tyree	500,937
Lamar Alexander	737,963
Write-ins	27

Respectfully submitted,

Thomas J. Garland, Co-Chairman

James R. McKinney, Co-Chairman

Frank Lashlee

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Jim Lewis

James M. Henry

C. B. Robinson

Mr. McKinney moved that the report be accepted, which motion prevailed.

Mr. President Wilder relinquished the Chair to Mr. Speaker McWherter, President of the Joint Convention.

Thereupon, the purpose for which the Joint Convention was called having been accomplished, Mr. President McWherter declared the Joint Convention dissolved.

The Senate repaired to the Senate Chamber.

The House was called to order by Mr. Speaker McWheter.

On motion, the roll call was dispensed with.

OATH OF OFFICE

Mr. Speaker McWherter administered the Oath of Office to the following House Officers: Miss Alice Yeager, Assistant Chief Clerk; Mrs. Marilyn Evelyn Hand, Chief Engrossing Clerk; and Mr. Greg O'Rear, Chief Sergeant-At-Arms.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 1, 2 and 3; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 1, 2, and 3 for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

Thereupon, pursuant to Mr. Naifeh's earlier motion, the House adjourned until 2:00 p.m. tomorrow.